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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,893	03/25/2004	Richard T. Haliashak	16-451	7407

7590 04/20/2006
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EXAMINER

LABBEES, EDNY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No.	Applicant(s)	
	10/808,893	HALISHAK, RICHARD T.	
	Examiner	Art Unit	
	Edny Labbees	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>3/28 and 4/05 2006</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. In the response filed on 1/23/2006, claims 12-21 have been added. Therefore, claims 1-21 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 7, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (US 5,235,329) in view of Gibbons et al. (US 2002/0102961).

Regarding Claim 1, Jackson discloses *Emergency Vehicle Detection Device* that has the following claim limitations: Claimed transmitter/receiver mounted to an emergency vehicle is met by the transmitter/receiver in an emergency vehicle (see Col. 1 Ins 58 to 68 and Col. 2 Ins 1-6); claimed transmitter/receiver blanked from its own signal but is able to receive signals from other emergency vehicles is met by invention of Jackson where the emergency vehicle is equipped with a receiver that is sensitive to a frequency that is not transmitted by its own transmitter (see Col. 2 Ins 3-6); claimed receiver mounted unto a motor vehicle that responds to the signals transmitted from the emergency vehicle is met by receiver (unlabeled) mounted unto an ordinary automobile

Art Unit: 2612

that is sensitive to the sirens of emergency vehicles (see Col. 1 Ins 41-48); claimed visual indicator mounted to a motor vehicle that displays a visual warning to warn the motorist and/or other emergency vehicles of the other emergency vehicles is met by the visible signal device (16) that blinks when activated (see Col. 2 Ins 50-61). Jackson does not disclose a system where the transmitter outputs a digital signal. However, Gibbons discloses *Emergency Vehicle Warning System* that teaches a transmitter unit (14) that can send both digital and analog signals and where the digital signal contains digital information which is automatically generated in order to provide more specific information concerning the emergency and the location of the emergency vehicle (see paras [0013]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Gibbons into the system of Jackson for outputting digital signals, to improve situation awareness and help the user assess the emergency situation better, so the user can react in a safer manner.

Regarding Claim 2, claim UHF/LMS signal is met by the transmitter of Jackson that can transmit various frequencies such as 463 MHz to 469 MHz which falls in the Ultra High Frequency (UHF) range of 300 MHz to 3000 MHz.

Regarding Claim 6, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 7, the claim is interpreted and rejected as claim 2 stated above.

Regarding Claim 14, Jackson discloses a system where the transmitter may transmit in frequencies between 463-469 MHz, which falls in the Ultra High Frequency (UHF) range of 300 MHz to 3000 MHz. Jackson does not disclose a system where the ultra high frequency signal is in a location monitoring service frequency. However, it is

Art Unit: 2612

known that the location and monitoring service frequency range is used for location of mobile units and is in a frequency range of 902-928 MHz. Because the system of Jackson and LMS both falls in the (UHF) range of 300 MHz to 3000 MHz, one of ordinary skill in the art would readily recognize that the system of Jackson can operate in the LMS range.

Regarding Claim 17, the claim is interpreted and rejected as claim 14 stated above.

Regarding Claim 18, the claim is interpreted and rejected as claim 3 stated above.

4. Claims 3, 8, 15,16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson and Gibbons et al. and further in view of Crockford et al. (US 6,630,892).

Regarding Claim 3, Jackson and Gibbons does not disclose the claimed limitation where the device is comprised of a signal encoded with information conveying the type of emergency vehicle the signal is originating from. However Crockford teaches *Danger Warning System* that has a signal encoder (330) connected to a signal transmitter (300) where the signal encoder (330) has access to a unique site identification code. The unique site identification code serves to identify the type of site, such as ambulance, law enforcement and fire department (See Col.7 Ins 39-47). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Crockford into the system of Jackson so that the motorist and/or

emergency service can detect what type of emergency service is approaching so he/she can properly give the right of way.

Regarding Claim 8, the claim is interpreted and rejected as claim 3 stated above.

Regarding Claim 15, the claim is interpreted and rejected as claim 3 stated above.

Regarding Claim 16, the claim is interpreted and rejected as claim 3 stated above. Crockford discloses a signal encoder (330) connected to a signal transmitter (300) where the signal encoder (330) has access to a unique site identification code. The unique site identification code serves to identify the type of site, such as ambulance, law enforcement and fire department (See Col.7 Ins 39-47).

Regarding Claim 19, the claim is interpreted and rejected as claim 16 stated above.

5. Claims 4, 9, 11, 12, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson and Gibbons et al. and further in view of Yu et al. (US 6,807,464).

Regarding Claim 4, Jackson and Gibbons do not disclose the claimed device having a vehicle outputting a digital signal that occurs at periodic intervals. However, Yu discloses *Systems And Methods For Distributing Information To An Operator Of A Vehicle* that teaches a system where an information controller (800) transmit vehicle control information to other vehicles periodically (see Col. 5 Ins 33-40). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings

of Yu into the system of Jackson so the periodically transmitting non-continuous signals will reduce the consumption of power as opposed to sending a continuous signal.

Examiner takes official notice that is well known in the art that both digital and analog signals can be transmitted periodically.

Regarding Claim 9, the claim is interpreted and rejected as claim 4 stated above.

Regarding Claim 11, the claim is interpreted and rejected as claims 1 and 3 stated above.

Regarding Claim 12, the claim is interpreted and rejected as claim 11 stated above. Jackson discloses a system where visible signal device (16) that warns motorist when activated (see Col. 2 Ins 50-61). Crockford teaches a system that determines the type of emergency vehicle (see Col. 7 Ins 37-47). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Crockford into the system of Jackson so that the motorist not only determines the emergency vehicle is approaching but the type of emergency vehicle.

Regarding Claim 20, the claim is interpreted and rejected as claims 1 and 4 stated above.

Regarding Claim 21, the claim is interpreted and rejected as claim 20 stated above.

6. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson and Gibbons et al. and further in view of Brill (US 6,505,101).

Regarding Claim 5, Jackson discloses a system where vehicles on the road can detect the proximity of an emergency vehicle. Furthermore, Jackson discloses a transmitter that transmits at multiple frequencies. However, Jackson does not demonstrate an encoded digital signal. Gibbons however do teach an emergency vehicle warning system where the signal is encoded with digital information, but does not specifically demonstrate a single universal frequency signal. Brill discloses *Remote Vehicle Identification And Disabling System* that teaches vehicle units (14) mounted on cars that will have a set frequency universal among all the vehicles (see Col. 2 Ins 41-47 and Col. 5 Ins 62-67 and Col. 6 Ins 1-5). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Brill into the systems of Jackson and Gibbons because having a universal frequency cuts down on costs. It is expensive to transmit on different frequencies because they would have to be requested from the FCC.

Regarding Claim 10, the claim is interpreted and rejected as claim 5 stated above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turbeville et al. *Emergency Vehicle Detection System*, (US 6,778,101)

Bishop, *Broadcast Band Siren Alarm Transmitter System...* (US 4,443,790)

Johnston, *Approaching Vehicle Forming System And Method*, (US 4,747,064)

Prevulsky et al. *Emergency Vehicle Alert System*, (5,307,060)

Henry et al. *Vehicular Emergency Vehicle Alarm Apparatus*, (6,094,148)

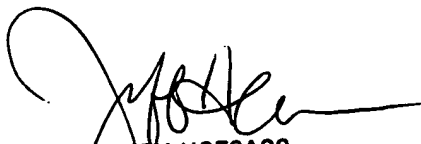
Trizzino et al. *Emergency Vehicle Warning System And Method*, (US RE38,763)

Response to Arguments

8. Applicant's arguments, see Page 6 lines 16-23, Page 7 lines 26-29, and Page 8 lines 1-5 filed 1/23/06, with respect to the rejection(s) of claim(s) 1 and 11 under 35 U.S.C. 102 (b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jackson (US 5,235,329) and Gibbons et al. (US 2002/0102961), where Gibbons teaches a system where a digital signal that contains digital information is transmitted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2612